CR-1001— (4)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR CHHATTISGARH

WRIT PETITION NO. 5429 / 2006

PETITIONER : Lakhan Lal Dahriya
S/o. Badak Ram Dahriya, aged about 40 years Upper Division Teacher, Govt. Tribal Welfare Middle School, Ajgarbahar, Distt.- Korba(C.G.)

VERSUS

RESPONDENTS :

1. State of Chhattisgrh,
Through – The Secretary,
Department of Tribal Welfare,
D.K.S. Bhawan, Raipur (C.G.)

2. Commissioner Tribal Welfare
Department, Chhattisgarh Govt.
Raipur

3. Assistant Commissioner
Tribal Welfare Department,
Distt.- Korba (C.G.)

P.R. No. 5965/06
Presented by Shri Anil Singh
dated 30-6-06
2:45 P.M.

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

(34)

W. P.(S)No. 5929 of 2006

Petitioner : Lakhan Lal Dahriya

Versus

Respondents : State of Chhattisgarh & others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Shri Anil Singh Rajput, Advocate for the petitioner.

Smt. Anju Ahuja, Deputy Government Advocate for the State/ respondents.

ORDER

(2nd November, 2006)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. By this petition under Article 226/227 of the Constitution of India, the petitioner seeks a direction to the respondents to pay the increments and seniority on the basis of the date of his initial appointment in the light of the decision rendered by the learned State Administrative Tribunal, Jabalpur in O.A. No. 1452/98 (Harish Chand Singh & others Vs. State of M.P. & others) dated 31.1.2000, O.A.No. 802/98 (Akhilesh Mishra & others Vs. State of Madhya Pradesh & others) and O.A.No. 991/98 (Ramayan Prasad Dwivedi & others Vs. State of M.P. & others).

2. Learned counsel appearing for the petitioner placed on record a copy of the order dated 23.3.2006 passed by this Court in Writ Petition No. 2577/2003 (Nem Singh Thakur and others Vs. State of

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Chhattisgarh & others) and submits that the petitioner is similarly situated, therefore, the similar order may be passed.

3. The case of the petitioner is that he was appointed as Upper Division Teachers in the School Education Department on probation for a period of two years with the fixed salary. However, later on after completion of two years probation, the petitioner was regularized but he was not given the regular pay scale. Other similarly situated teachers moved the State Administrative Tribunal, Jabalpur for regular pay scale, wherein learned Tribunal vide order dated 31.1.2000 allowed the same. The petitioner made several representations to accord the same treatment as he is also similarly situated Upper Division Teacher, but the respondents have not paid any heed. Thus, this petition.

4. Learned counsel for the petitioner submits that the petitioner may be allowed to make a representation to the respondents to give similar treatment to the petitioner and the same pay scale, which have been sanctioned to other similarly situated teachers on account of the order of the State Administrative Tribunal dated 31.1.2000, to which learned State counsel has no objection.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, in the opinion of this Court the limited prayer made by learned counsel for the petitioner appears to be reasonable. Therefore, the petitioner is allowed to make a representation within a period of two weeks from today to the respondents, raising all their grievances and in turn the respondents

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shall decide the said representation in an objective manner within a period of 30 days from the date of receipt of such representation, after considering all the points raised by the petitioners and taking into account the order dated 31.1.2000 passed by the learned State Administrative Tribunal in O.A. No. 1452/98, and if the petitioners stand on the same footings, as the petitioners in the O.A. No. 1452/98 then they are entitled to the same pay scale and seniority.

6. This writ petition is accordingly disposed of with the aforesaid direction. No order as to costs.

Sd/-
Satish K.Agnihotri
Judge

Subhash